

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JESUS AMAYA, CESAR REYES, FREDY LOPEZ
MONDRAGON, CARLOS GARCIA, FIDENCIO DIAZ,
LUCINO GALINDO CANO, MELVIN VIGIL MESIA,
EDWIN BELECELA, and CRISTIAN FUENTES,
individually and on behalf of all others similarly
situated

Plaintiffs,

-v-

BUILDSMART LLC, BERNARDO DAL POZZOLO,
and BERNARDO SANTOS XAVIER,

Defendants.

CIVIL ACTION NO.: 21 Civ. 6378 (LGS) (SLC)

SCHEDULING ORDER

SARAH L. CAVE, United States Magistrate Judge.

This matter having been referred to me to conduct an inquest and to report and recommend concerning Plaintiffs' damages, it is hereby **ORDERED** that:

1. Plaintiffs shall submit proposed findings of fact and conclusions of law concerning damages no later than **April 5, 2022**. Plaintiffs must support all factual assertions by affidavit and/or other evidentiary material.
2. Defendants shall their response to Plaintiffs' submissions, if any, no later than **April 19, 2022**. IF DEFENDANTS (1) FAIL TO RESPOND TO PLAINTIFFS' SUBMISSIONS, OR (2) FAIL TO CONTACT MY CHAMBERS BY APRIL 19, 2022 AND REQUEST AN IN-COURT HEARING, I INTEND TO ISSUE A REPORT AND RECOMMENDATION CONCERNING DAMAGES BASED ON PLAINTIFFS' WRITTEN SUBMISSIONS ALONE WITHOUT AN

IN-COURT HEARING. See Transatlantic Marine Claims Agency, Inc. v. Ace Shipping Corp., 109 F.3d 105, 111 (2d Cir. 1997) (“[I]t [is] not necessary for the District Court to hold a hearing, as long as it ensured that there was a basis for the damages specified in a default judgment.” (quoting Fustok v. ContiCommodity Services Inc., 873 F.2d 38, 40 (2d Cir. 1989))).

Plaintiff is directed to serve this Order on Defendant and file proof of service by no later than **April 19, 2022**.

Dated: New York, New York
March 15, 2022

SO ORDERED



SARAH L. CAVE
United States Magistrate Judge